

**REGULAR MEETING
CITY COUNCIL
August 3, 2006**

ROLL CALL:

MR. WOJCIK, MR. MCGRATH, MR. RYAN, MR. DUNNE, MR. KROGH, MRS. COLLIER, MR. CAMPANA, MRS. MAHAR
DERGURAHIAN, PRESIDENT BAUER

ABSENT:

Ordinance No. 1 **Date** August 3, 2006
Introduced by Council Member Bauer
At the request of Administration **Seconded by** Campana

ORD. #1

**ORDINANCE AMENDING THE 2006 CITY BUDGET TO TRANSFER FUNDS WITHIN THE
GENERAL, WATER, AND SEWER FUNDS BUDGET LINES**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy 2006 budget is herein amended as set forth in Schedule A entitled:

August 2006 Budget Amendment

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, July 28, 2006

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 08-04-06 for Executive Action – Approved, returned 08-07-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 2 Date August 3, 2006
 Introduced by Council Member Bauer
 At the request of Administration Seconded by McGrath

ORD. #2

**ORDINANCE ESTABLISHING A 2006 CAPITAL FUND BUDGET ACCOUNTS
 FOR A DOWNTOWN TRAFFIC SIGNALIZATION PROJECT AND THE CONGRESS/FERRY
 STREET RECONSTRUCTION PROJECT**

The City of Troy, convened in city Council, ordains as follows:

Section 1. The 2006 Capital Budget is hereby established to provide for capital fund accounts as provided in Schedule "A" titled:

“Capital Fund 2006 Budget Amendment”

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form, July 28, 2006

David Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 08-04-06 for Executive Action – Approved, returned 08-07-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 3 Date August 3, 2006
 Introduced by Council Member Bauer
 At the request of Administration Seconded by DerGurahian

ORD. #3

**ORDINANCE ESTABLISHING A 2006 CAPITAL FUND BUDGET ACCOUNT
 FOR THE LAND ACQUISITION OF REAL PROPERTY LOCATED AT 25 PRESIDENT STREET,
 TROY, N.Y.**

The City of Troy, convened in city Council, ordains as follows:

Section 1. The 2006 Capital Budget is hereby established to provide for capital fund accounts as provided in Schedule A titled:

“Capital Fund 2006 Budget Amendment – Purchase of Park Land”

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form, July 28, 2006

David Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 08-04-06 for Executive Action – Approved, returned 08-07-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 1a **Date** August 3, 2006
Introduced by Council Member Bauer
At the request of Administration **Seconded by** Collier

RES. #1a

**RESOLUTION AUTHORIZING EXECUTION OF ENGINEERING AGREEMENT DESIGNATING
CREIGHTEN MANNING, LLP AS “PROJECT ENGINEER” FOR THE PLANNING, DESIGN, AND
CONSTRUCTION ADMINISTRATION OF CONGRESS/FERRY STREET CORRIDOR**

WHEREAS, this resolution is file with the City Council of the City of Troy by Harry Tutunjian, the Mayor of the City of Troy; and

WHEREAS, this resolution designates Creighton Manning, LLP, Albany, New York, as “Project Engineer” for the planning, design and construction administration of the R245/ NY Rt. 2, from 5th Avenue to 11th Street: Reconstruction (Congress Ferry Street Corridor)(project Identification number –PIN- 1756.62); and

WHEREAS, the City Engineer is hereby authorized to negotiate the agreements for said services as required by Federal and State procedure, subject to review and comment by the New York State Department of Transportation; and

WHEREAS, This project is a Locally Administered Federal Aid Project involving Urban Principal Arterial (Not Expressway)(UPA) Funding assistance; and

WHEREAS, said negotiations have been completed; and

WHEREAS, Review and comment procedures have been completed by the New York State Department of Transportation; and

WHEREAS, The source of funding the total amount to be expended over the life of the agreements, and the names and addresses of the contracting parties are as follows:

<u>CONTRACT DESCRIPTIONS AND DATES</u>	<u>VENDOR</u>	<u>AMOUNT OF CONTRACT</u>
CR 111 NY 2, from 5 th Avenue 11 th Street: Reconstruction (Congress Ferry Street Corridor) (5/1/06 – 12/31/07)	Creighton Manning Engineering, LLP 17 Computer Dr. West Albany, NY 12205	\$480,000.00

NOW, THEREFORE BE IT

RESOLVED, the City Council of the City of Troy hereby authorizes the Mayor of the City of Troy to execute an agreement with Creighton Manning Engineering, LLP I accord with the approved proposal and in the form to be approved by the City Corporation Counsel in the amount of \$480,000.00.

Approved as to form, July 28, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 08-04-06 for Executive Action – Approved, returned 08-07-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 1b **Date** August 3, 2006
Introduced by Council Member Bauer
At the request of Administration **Seconded by** Krogh

RES. #1b.

**AUTHORIZING THE IMPLEMENTATION AND FUNDING OF A STATE "MARCHISELLI"
PROGRAM-AID ELIGIBLE TRANSPORTATION FEDERAL-AID PROJECT, TO FULLY
FUND THE LOCAL SHARE OF FEDERAL AND STATE-AID ELIGIBLE AND
INELIGIBLE PROJECT COSTS AND APPROPRIATING FUNDS THEREFORE**

WHEREAS, a Project for Reconstruction of NY 2, from 5th Avenue to 11th Street (Congress Ferry Corridor), City of Troy, P.I.N. 1756.62 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Troy desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Preliminary Engineering and ROW Incidentals; now, therefore, be it

RESOLVED, that the City Council hereby approves the Project; and be it further

RESOLVED, that the City Council hereby authorizes the City of Troy to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary Engineering and ROW Incidentals work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$480,000.00 (Four hundred eighty thousand dollars and no cents) be appropriated from the General Fund and made available to cover the cost of participation in the Preliminary Engineering and ROW Incidentals phases of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share of the project exceeds the amount appropriated above, the City Council of the City of Troy shall convene as soon as possible to appropriate said excess amount immediately upon notification by the New York State Department of Transportation ("NYSDOT"); and be it further

RESOLVED, that the Mayor of the City of Troy is hereby authorized and directed to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Troy, subject to the City Attorney's approval as to form and content, with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, this Resolution shall take effect immediately.

Approved as to form, July 28, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 08-04-06 for Executive Action – Approved, returned 08-07-06

Resolution No. 2a **Date** August 3, 2006
Introduced by Council Member Bauer
At the request of Administration **Seconded by** Dunne

RES. #2a

**RESOLUTION AUTHORIZING EXECUTION OF ENGINEERING
AGREEMENT DESIGNATING CREIGHTON MANNING ENGINEERING, LLP
AS “PROJECT ENGINEER FOR THE PLANNING, DESIGN AND CONSTRUCTION
ADMINISTRATION OF THE R244 ITS SIGNAL IMPROVEMENTS
IN THE CITY OF TROY- PHASE 2(PIN 1756.70)**

WHEREAS, this resolution is filed with the City Legislature by the City of Troy Mayor; and

WHEREAS, the City of Troy designates Creighton Manning Engineering, LLP, Albany, NY, as project engineer for the planning, design, and construction administration of the **R 244 ITS Signal Improvements in the City of Troy – Phase 2 (PIN 1756.70)**; and

WHEREAS, the City authorizes the City Engineer to negotiate the agreements for said services as required by Federal and State procedures, subject to review and comment by the New York State Department of Transportation; and

WHEREAS, said negotiations have been completed; and

WHEREAS, review and comment procedures have been completed by the New York State Department of Transportation; and

WHEREAS, the sources of funding, the total amount to be expended over the life of the agreements, and the names and addresses of the contracting parties are as follows:

CONTRACT DESCRIPTIONS & DATES	VENDOR	AMOUNT OF CONTRACT
Troy Signalization- Phase 2; in the area around Federal, Congress, Ferry and Fifth Streets	Creighton Manning Engineering, LLP 17 Computer Dr. West Albany, NY 12205	\$320,000.00

NOW, THEREFORE BE IT

RESOLVED, that the City of Troy Mayor be and is hereby authorized to execute an agreement with Creighton Manning Engineering, LLP in accord with the approved proposal and in a form to be approved by the City Corporation Counsel in the amount of \$320,000.00.

Approved as to form, July 21, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 08-04-06 for Executive Action – Approved, returned 08-07-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 2b **Date** August 3, 2006
Introduced by Council Member Bauer
At the request of Administration **Seconded by** Krogh

RES. #2b

**AUTHORIZING THE IMPLEMENTATION AND FUNDING OF A STATE “MARCHISELLI”
PROGRAM-AID ELIGIBLE TRANSPORTATION FEDERAL-AID PROJECT, TO
FULLY FUND THE LOCAL SHARE OF FEDERAL AND STATE-AID ELIGIBLE AND
INELIGIBLE PROJECT COSTS AND APPROPRIATING FUNDS THEREFORE**

WHEREAS, a Project for the **R244 ITS Signal Improvements in the City of Troy - Phase 2 (PIN 1756.70)**, in the area around Federal, Congress, Ferry and Fifth Streets (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Troy desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Preliminary Engineering; now, therefore, be it

RESOLVED, that the City Council hereby approves the Project; and be it further

RESOLVED, that the City Council hereby authorizes the City of Troy to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary Engineering work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$320,000.00 (Three hundred twenty thousand dollars and no cents) be appropriated from the General Fund and made available to cover the cost of participation in the Preliminary Engineering phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share of the project exceeds the amount appropriated above, the City Council of the City of Troy shall convene as soon as possible to appropriate said excess amount immediately upon notification by the New York State Department of Transportation (“NYSDOT”); and be it further

RESOLVED, that the Mayor of the City of Troy is hereby authorized and directed to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Troy, subject to the City Attorney’s approval as to form and content, with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and

state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, this Resolution shall take effect immediately.

Approved as to form, July 28, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 08-04-06 for Executive Action – Approved, returned 08-07-06

Resolution No. 3 Date August 3, 2006
Introduced by Council Member Bauer
At the request of Administration Seconded by Ryan

RES. #3

**RESOLUTION AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST
INSTANCE 100% OF THE FEDERAL-AID AND STATE “MARCHISELLI” PROGRAM-AID
ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID
PROJECT, AND APPROPRIATING FUNDS THEREFORE**

WHEREAS, a Project for the Reconstruction of Route 2, 11th Street to Pawling Avenue, P.I.N. 1753.39 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ration of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Troy desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Preliminary Engineering and ROW Incidentals.

NOW, THEREFORE BE IT,

RESOLVED, that the City Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the City Council hereby authorizes the City of Troy to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary Engineering and ROW Incidentals work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$1,087,000.00 (One million eighty seven thousand dollars and no cents) has already been appropriated pursuant to Ordinance No. 8 adopted by the Troy City Council on May 7, 1998 and Ordinance No. 12

adopted by the Troy City Council on March 1, 2001 and made available to cover the cost of participation in the Preliminary Engineering phase in the amount of \$1,077,000.00 and the ROW Incidentals phase in the amount of \$10,000.00; and it is further

RESOLVED, that an additional sum of \$60,000.00 (Sixty thousand dollars and no cents) is hereby appropriated from Account # H-1998-362 and made available to cover the cost of participation in the Construction phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the City Council of the City of Troy shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, that the Mayor of the City of Troy be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Troy with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

Approved as to form, July 21, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 08-04-06 for Executive Action – Approved, returned 08-07-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 4 **Date** August 3, 2006
Introduced by Council Member Bauer
At the request of Administration **Seconded by** DerGurahian

RES. #4

RESOLUTION APPOINTING COMMISSIONER OF DEEDS

BE IT RESOLVED, that the City Council hereby appoints the following persons, as identified in Schedule "A", attached hereto and made a part hereof, Commissioners of Deeds for the City of Troy for the terms identified in Schedule "A".

Approved as to form, July 21, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 08-04-06 for Executive Action – Approved, returned 08-07-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Motion to adjourn by McGrath

Meeting adjourned at 7:50pm.